

EXECUTIVE DEPARTMENT OFFICE OF MANAGEMENT AND BUDGET Budget Development, Planning and Administration State Planning Coordination

October 22, 2008

Mr. Michael Riemann Becker Morgan Group, Inc. 309 South Governors Avenue Dover, DE 19904

RE: PLUS review – 2008-09-10; Bridgeville Town Center

Dear Mr. Reimann:

Thank you for meeting with State agency planners on September 24, 2008 to discuss the proposed plans for the Bridgeville Town Square project to be located east of Route 13, west of Route 404.

According to the information received, you are seeking site plan approval through the Town of Bridgeville for 369,500 sq. ft. of commercial consisting of a mix of retail, shopping, and fast food and other similar uses.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the Town of Bridgeville is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.*

State Strategies/Project Location

• The proposed project is located within an Investment Level 2 as defined by the State Strategies for Policy and Spending and calls for the construction of 369,500 sq. ft. of commercial consisting of a mix of retail, shopping, and fast food and other similar uses within the future annexation area for the Town of Bridgeville.

It should be noted, the applicant has applied for annexation into the Town of Bridgeville.

Street Design and Transportation

- DelDOT can appreciate that the four-lane boulevard through the development will be needed to handle peak traffic volumes, but they foresee potential speeding problems at off-peak times. Certainly, the proposed roundabouts will help, but additional traffic calming may be needed. DelDOT has similar concerns about the access drives along the north and south edges of the property, which will not have the benefit of roundabouts for traffic control.
- The crosswalks connecting the two south pad sites to the 60,000 square foot building, should be mirrored to connect the two north pad sites to the 29,500 square foot building.
- The splitter islands on the sidestreet approaches to the roundabouts appear to be short. DelDOT recommends widening the throats of those approaches enough to extend those islands down to the proposed crosswalks and using those islands to provide pedestrian refuges.

Natural and Cultural Resources

• This project is located within the Ake Tax Ditch. Although tax ditches are not on this property, the release of stormwater from this site will have an impact on the Ake Tax Ditch organization. Please identify where stormwater from this site will be released.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: Bryan Hall 739-3090

The proposed project is located within an Investment Level 2 as defined by the State Strategies for Policy and Spending and calls for the construction of 369,500 sq. ft. of commercial consisting of a mix of retail, shopping, and fast food and other similar uses within the future annexation area for the Town of Bridgeville.

This office has no objection to the proposed project however would encourage the applicant to work closely with the Town and State agencies, such as Del-Dot to address

future impacts to the local community and the transportation networks within the Bridgeville area.

State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

No comments received.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Several months ago, the Bariglio Corporation funded the preparation of a traffic impact study (TIS) for this development by our consultant, McCormick Taylor. Subsequently, at our direction, McCormick Taylor stopped work on that study and began to prepare, in its place, a corridor study for US Route 13 from Rifle Range Road to Delaware Route 18. The Town concurred with the need for the corridor study. DelDOT expects to receive the results of that study near the end of this month and would like to share those results with the Town in October. Part of those results will include a recommended set of transportation improvements needed in the Route 13 corridor to support the various developments planned there and elsewhere in Bridgeville. DelDOT anticipates asking the Town to support their request to have developer participation in some of these improvements.
- 2) DelDOT appreciates that the Annexation Plan included in the PLUS application may be somewhat conceptual. They offer the following comments on it nonetheless:
 - a) The proposed driveway stub to the Food Lion shopping center (Tax Parcel 1-31-15.00-24.04), and the access easement that they assume is associated with it, is commendable. DelDOT recommends that similar connections be provided to the Street (Tax Parcel 1-31-15.00-24.06), Reynolds (Tax Parcel 1-31-15.00-19.00) and Evans (Tax Parcel 1-31-15.00-25.00) parcels. This recommendation notwithstanding, one of the possible outcomes of the McCormick Taylor study mentioned above could be a recommendation for a service road that would connect this parcel and several others on an as yet undetermined alignment.
 - b) DelDOT can appreciate that the four-lane boulevard through the development will be needed to handle peak traffic volumes, but they foresee potential speeding problems at off-peak times. Certainly, the proposed roundabouts will help, but additional traffic calming may be needed. DelDOT has similar concerns about the access drives along the north and south edges of the property, which will not have the benefit of roundabouts for traffic control.

- c) The crosswalks connecting the two south pad sites to the 60,000 square foot building, should be mirrored to connect the two north pad sites to the 29,500 square foot building.
- d) The splitter islands on the sidestreet approaches to the roundabouts appear to be short. DelDOT recommends widening the throats of those approaches enough to extend those islands down to the proposed crosswalks and using those islands to provide pedestrian refuges.
- e) DelDOT recommends that the developer's site engineer contact the DelDOT Subdivision Manager for western Sussex County, Mr. Derek Sapp, for more detailed comments. Mr. Sapp may be reached at (302) 760-4803.

<u>The Department of Natural Resources and Environmental Control - Contact:</u> <u>Kevin Coyle 739-9071</u>

Soils

According to the NRCS soil survey update, Hambrook (HbA), Ingleside (IgA), Woodstown (WdA), and Ingleside-Hammonton-Fallsington complex (ImB) were mapped in the vicinity of the proposed construction (See figure 1). Hambrook and Ingleside are well-drained upland soils that, generally, have few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Ingleside-Hammonton-Fallsington complex is a soil with mixed suitabilities (soil limitations range from few to severe), and is likely to have both upland and wetland (hydric) soil components. Fallsington is a wetland associated (hydric) soil that is considered unsuitable for development. It is strongly recommended, therefore, that the applicant contact a private soil scientist to conduct a "higher-intensity" site-specific soil survey to properly delineate the Fallsington soil mapping unit from the larger soil complex.

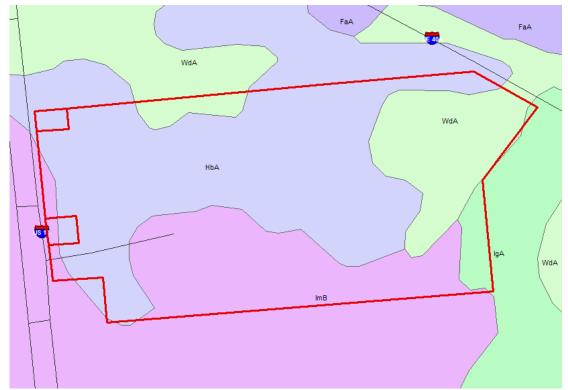


Figure 1: Soil survey mapping of the Bridgeville Town Square project

Impervious Cover

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness. Since this is a commercial project, it is strongly recommended that the applicant employ pervious paving materials, in lieu of conventional paving materials, for at least 50 percent of the project's total paved surface area(s).

ERES Waters

This project is located adjacent to receiving waters of the greater Nanticoke watershed, and designated as having waters of Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Moreover, provisions defined in subsection 5.6.3.5 of same section, specially authorize the

PLUS – 2008-09-10 Page 6 of 13

Department to mandate BMPs to meet standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Nanticoke watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the greater Nanticoke watershed, "target-rate-nutrient reductions" of 30 and 50 percent will be required for nitrogen and phosphorus, respectively. Additionally, "target-rate-reductions" of 2 percent will be required for bacteria.

TMDL Compliance through the PCS

As indicated above, TMDLs for nitrogen and phosphorus have been proposed for the Nanticoke watershed. The TMDL calls for a 30 and 50 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 2 percent reduction in bacteria. A Pollution Control Strategy (PCS) will be used as a regulatory framework to ensure that these nutrient reduction targets are attained. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional nutrient reductions may be possible through increasing the amount of passive, wooded open space, use of pervious paving materials to reduce surface imperviousness, and the deployment of green-technology stormwater management treatment technologies. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The information provided indicates that the Town of Bridgeville will provide water to the proposed projects through a public water system. DNREC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity (CPCN) 89-CPCN-01. It is recommended that the developer contact Tidewater Utilities to determine the availability of public water. Any public water utility providing water to the site must obtain a CPCN from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-736-7547. Should an on-site Public/Miscellaneous Public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area, and it must also be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed

PLUS – 2008-09-10 Page 7 of 13

and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees.
- Because of the parcel's location in an impaired watershed and the amount of impervious surface, green technology BMPs and low impact development practices should be considered a priority to reduce stormwater flow and to meet water quality goals.

Drainage

- This project is located within the Ake Tax Ditch. Although tax ditches are not on this property, the release of stormwater from this site will have an impact on the Ake Tax Ditch organization. Please identify where stormwater from this site will be released.
- The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The

Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

Have all drainage easements recorded on deeds and place restrictions on
obstructions within the easements to ensure access for periodic maintenance or
future re-construction. Future property owners may not be aware of a drainage
easement on their property if the easement is only on the record plan. However,
by recording the drainage easement on the deed, the second owner, and any
subsequent owner of the property, will be fully aware of the drainage easement on
their property.

Under/Aboveground Storage Tanks

There is one (1) LUST site with an ongoing investigation located about a quarter mile from the proposed project:

Name: Bridgeville BP Facility ID: 5-000104 Project: S0311069

Should any underground storage tanks or petroleum contaminated soil be discovered by any person during construction, the DNREC-TMB at (302) 395-2500 and the DNREC Emergency Response Hotline at (800) 662-8802 must be notified within 24 hours.

Should any contamination be encountered, PVC pipe materials will have to be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

Also, please note that if any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMB. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMB.

State Fire Marshal's Office - Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. Fire Protection Water Requirements:

➤ Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

➤ Where a water distribution system is proposed for Mixed Use sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. Fire Protection Features:

- ➤ All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.
- ➤ Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- ➤ Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- ➤ Show Fire Lanes and Sign Detail as shown in DSFPR

c. Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road from the main thoroughfare must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- ➤ The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. Gas Piping and System Information:

Provide type of fuel proposed, and show locations of bulk containers on plan.

e. Required Notes:

- ➤ Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- > Proposed Use

- ➤ Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- > Square footage of each structure (Total of all Floors)
- ➤ National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- ➤ Note indicating if building is to be sprinklered
- ➤ Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- ➤ Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Delaware Department of Agriculture has no objections to the proposed development. The project is located within the Town of Bridgeville, and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 2 areas.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Do Not Plant List

Due to the high risk of mortality from insects and disease, the Delaware Forest Service does not recommend planting any of the following species:

Callery Pear Leyland Cypress Red Oak (except for Willow Oak) Ash Trees

Please contact the Delaware Forest Service for more information at (302) 698-4500.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent landuse activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

<u>Delaware Division of Public Health- Health Promotion Bureau- contact Michelle Eichinger (302) 744-1011</u>

Ensuring that new residential and commercial development incorporates pedestrian- and bicycle-friendly features allows people to travel by foot or by bicycle and promotes physical activity as part of daily routines. Regular physical activity offers a number of health benefits, including maintenance of weight and prevention of heart disease, type 2 diabetes and other chronic diseases. Research shows that incorporating physical activity into daily routines has the potential to be a more effective and sustainable public health strategy than structured exercise programs. This is particularly important considering about 65% of adult Delawareans are either overweight or obese. This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese, which places them at risk for a range of health consequences that include abnormal cholesterol, high blood pressure, type 2 diabetes, asthma, depression and anxiety.

In Delaware, as in other states across the nation, certain patterns of land use can act as a barrier to physical activity and healthy eating for children and adults alike. Examples of such barriers include neighborhoods constructed without sidewalks or parks and shopping centers with full-service grocery stores situated too far from residential areas to allow for walking or biking between them.

This proposed development is in a Level 2 area. Developing is such an area is consistent with the *Strategies for State Policies and Spending*. DPH is committed to the *Strategies* and therefore, does support development in the proposed area.

DPH supports new development in and around existing towns and municipalities where compact and mixed land use patterns facilitate physical activity. As a way to promote physical activity and access to healthy foods, we recommend that the following amenities be included in the Bridgeville Town Square plan:

Amenities to encourage active transportation

- Ensure that there are sidewalks, crosswalks and walking/bicycling paths connecting the neighboring residential developments, such as Heritage Shores and the proposed Bridgeville 90 Acres site, to the commercial development.
- Designate bike paths to supplement the sidewalks already proposed in the plan so that visitors to the town square can travel by foot or by bicycle. In addition, install bike racks in convenient locations within commercial development.

Amenities to encourage recreation

• Designate open space for active recreation on the property, and incorporate a playground. This would offer active recreation opportunities for children and their caregivers during visits to the town square. If feasible, consider including a walking path around the playground area.

Increase opportunities for healthy eating

• Designate an area for a seasonal farm stand or mini farmer's market that will promote the sale of fruits and vegetables. Not only will this benefit commercial property users but the neighboring residential developments as well.

Department of Education – Contact: John Marinucci 735-4055

No comments received

Sussex County - Contact: Richard Kautz 855-7878

The town is encouraged to avoid the creation of new enclaves when annexing, to eliminate existing enclaves during its negotiation of the annexation agreement, and to notify the Sussex County Planning Department when the annexation becomes effective.

No comment about the project. The site is to be entirely within the town limits and does not directly impact County services or properties outside the town limits.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of

¹ Nemours Health and Prevention Services (2005). *Delaware Children's Health Chartbook*, Newark, DE.

² Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pd f.

³ Delaware Health and Social Services (2008), *Division of Public Health, Behavioral Risk Factor Surveillance System (BRFSS)*, 1990-2007.

PLUS – 2008-09-10 Page 13 of 13

the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP, Director Office of State Planning Coordination

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CC: Town of Bridgeville